

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aaron Cole	Team: Squad #14	CCRB Case #: 201705054	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/12/2017 8:00 PM	Location of Incident: [REDACTED]	Precinct: 66	18 Mo. SOL 12/12/2018	EO SOL 12/12/2018	
Date/Time CV Reported Wed, 06/21/2017 5:08 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 06/21/2017 5:08 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Felix Chabanov	30733	953739	061 PCT
2. LT Yael Magori	00000	942099	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Paul Gallo	24413	938520	061 PCT
2. POM Craig Roth	15946	958028	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Yael Magori	Discourtesy: Lieutenant Yael Magori spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Felix Chabanov	Discourtesy: Police Officer Felix Chabanov spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On June 21, 2017, § 87(2)(b) filed this complaint via the CCRB's call processing system.

At approximately 8:00 p.m. on June 12, 2017, Lieutenant Yael Magori, PO Felix Chabanov, and PO Paul Gallo of the 61st Precinct arrived at § 87(2)(b) located at § 87(2)(b) in Brooklyn, to arrest § 87(2)(b) for assault and criminal possession of a weapon in connection with an earlier incident. PO Gallo told § 87(2)(b) he was under arrest. § 87(2)(b) said he was the victim. Lieutenant Magori allegedly ordered § 87(2)(b) to "shut the fuck up," called him a "fatass," and said he was "assed out" (**Allegation A**). PO Chabanov told § 87(2)(b) that had he been involved in the earlier physical altercation, PO Chabanov would have "beat § 87(2)(b) s] face in." (**Allegation B**).

PO Gallo ordered § 87(2)(b) to stand up from his hospital bed. § 87(2)(b) protested because he was in pain. PO Chabanov allegedly said, "I don't give a shit, stand the fuck up" (**within Allegation B**). § 87(2)(b) was arrested and § 87(2)(b) (Board Review 01).

There is no video evidence in this case.

The investigation of this case was delayed because of difficulties scheduling officers.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) [REDACTED]
- As of September 15, 2017, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's office regarding this incident (Board Review 02).

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- This is the sixth CCRB complaint and third discourtesy allegation filed against Lieutenant Magori, an 11-year-member-of-the-service. In CCRB case number 200810467, the Board substantiated a discourtesy allegation. The Board recommended that Lieutenant Magori receive instructions and the NYPD concurred (Board Review 04). CCRB case number 201702690 was truncated.

- PO Chabanov, a four-year-member-of-the-service, has three prior CCRB complaints filed against him with a total of four allegations, § 87(2)(g)

Potential Issues

CCRB case number 201705479 was generated and referred to the Office of the Chief of Department regarding § 87(2)(b)'s allegation that officers refused to return his property following his arrest (Board Review 06).

Findings and Recommendations

Allegation A -Discourtesy: Lieutenant Yael Magori spoke discourteously to § 87(2)(b)

Allegation B- Discourtesy: Police Officer Felix Chabanov spoke discourteously to § 87(2)(b)

§ 87(2)(b) said that when officers arrived at the hospital to arrest him, he told them he was the victim of the assault and that he had sustained a broken nose and called the police himself (Board Review 07). Lieutenant Magori allegedly called § 87(2)(b) a “fatass” and ordered him to “shut the fuck up.” The officers asked § 87(2)(b) why he fled the scene, and § 87(2)(b) explained that he did so to avoid further injury. Lieutenant Magori allegedly responded, “Well, you’re assed out.” § 87(2)(b) assumed this meant he was going to jail anyway. § 87(2)(b) further alleged that when PO Chabanov ordered him to stand up from the hospital bed to be placed under arrest and § 87(2)(b) protested because he was in pain, PO Chabanov replied, “I don’t give a shit, stand the fuck up.”

Lieutenant Magori corroborated that § 87(2)(b) disputed his arrest, but denied ordering him to “Shut the fuck up,” calling him a “fatass,” and telling him that he was “assed out” (Board Review 08). PO Gallo and PO Chabanov denied hearing Lieutenant Magori make any of the alleged statements (Board Review 09, Board Review 10). However, PO Gallo qualified that he was preoccupied speaking with the assault victim who identified § 87(2)(b). PO Chabanov added that § 87(2)(b) said things to the effect of “fuck you” and “I’ll make fucking complaints” during this incident.

PO Chabanov corroborated that § 87(2)(b) refused to stand up from the hospital bed and that he insisted § 87(2)(b) do so, but he denied saying “I don’t give a shit, stand the fuck up,” and Lieutenant Magori and PO Gallo denied hearing him do so.

§ 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date